

REMARKS

In response to the final Office Action mailed March 27, 2007, reconsideration is requested in view of the above amendments and the following remarks. Applicants have amended claims 193, 197 and 200, and claim 194 has been canceled. No new matter has been added. The above amendments are not to be construed as acquiescence to the Examiner's stated grounds for rejections and are made without prejudice to prosecution of any subject matter removed and/or modified by this amendment in a related divisional, continuation or continuation-in-part application. Following the amendments, claims 192, 193 and 195-200 are under examination in the application.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 192-200 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. According to the Examiner, the interpretation of the length limitation added to claim 192 is unclear. Because the independent claim requires the presence of at least two HAV sequences in the linear peptide, and because dependent claims 197 and 200 recite that the linear peptide can further comprise a sequence identified as SEQ ID NO. 31 (which comprises 48 amino acids), the length limitation allegedly cannot be met when the linear peptide comprises the sequence identified as SEQ ID NO. 31.

Also, according to the Examiner, dependent claim 194 specifies that the linear peptide can be linked to a targeting agent. However, according to the Examiner, when the linear peptide is linked to a targeting agent and/or a linker which are polypeptides, it is not clear how it is determined whether or not the length limitation is met, because assignment of a particular amino acid in a peptide to the linear peptide portion, targeting agent portion, or linker portion is allegedly arbitrary.

Applicants respectfully traverse this rejection. By the above amendment, claim 194, reciting the use of targeting agents, has been canceled. In addition, claims 197 and 200 have been amended by deleting reference to SEQ ID NO. 31. Applicants note that claim 192 is drawn to a linear peptide that is 6-50 amino acids in length. There is no ambiguity

in this requirement that the linear peptide used according to the claimed method is 6-50 amino acids in length. Dependent claims 195 and 199, reciting that the linear peptide can further comprise at least one separate cell adhesion recognition (CAR) sequence, are subject to the length limitation of claim 192. Further, the linkers recited in dependent claim 196 are also subject to the length limitation of claim 192. Thus, the CARs and linkers of dependent claims 195, 196 and 199 may be included a linear peptide according to claims 192, provided that the length limitation of claims 192 is met. Applicants submit that the metes and bounds of the length limitation are clear and definite, as is a determination of whether the length limitation is met. Reconsideration is respectfully requested.

Claim 193 is objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. According to the Examiner, independent claim 192 requires the presence of the amino acid sequence HAV in the linear peptide. Independent claim 192, according to the Examiner, does not indicate that derivatives of the sequence HAV can be present in the linear peptide instead of HAV per se.

Applicants respectfully traverse this rejection. Solely in an effort to advance prosecution, and without prejudice to prosecution in a related application, claim 193 has been amended to remove reference to derivatives having side chain modifications. Applicants note, however, that linear peptides comprising at least two HAV sequences and having C-terminal and/or N-terminal modifications, as set forth in amended claim 193, nevertheless remain linear peptides comprising at least two HAV sequences, as claimed. Illustrative N- and C-terminal modifications can include, for example, peptides having a C-terminal carboxylate esterified (*e.g.*, benzyl, methyl or ethyl ester) or amidated and/or having modifications of the N-terminal amino group (*e.g.*, acetylation or alkoxycarbonylation) (see, *e.g.*, page 22, line 24 to page 24, line 6). In this respect, claim 193 merely recites a further feature of the linear peptides of claim 192. Claim 193 does not embrace the use of peptides that do not comprise HAV. Reconsideration and withdrawal of this is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 192-200 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Tripp *et al.* (U.S. Patent No. 6,419,923). According to the Examiner, Tripp *et al.* teaches a protein of SEQ ID NO. 15, which allegedly comprises two copies of the partial sequence HAV at residues 317-319 and 354-356, and the partial sequence RGD at residues 309-311. The Examiner further states that the two HAV sequences and the RGD sequence present in the protein of Tripp *et al.* occur within a 48 amino acid fragment of the protein. This 48 amino acid fragment corresponds, according to the Examiner, to the linear peptide recited in applicants' claims, and thus applicants' length limitation is deemed by the Examiner to have been met by the protein of Tripp *et al.*

Applicants respectfully traverse this rejection. Tripp *et al.* describes cysteine protease proteins derived from filariid nematode, polynucleotides encoding such proteins, antibodies raised against such proteins, and compounds that inhibit filariid nematode cysteine protease activity. SEQ ID NO. 15 of Tripp *et al.* corresponds to a 407 amino acid protein and within this protein there are two occurrences of the tripeptide sequence, HAV. However, Tripp *et al.* describes nothing with regard to methods for modulating cell adhesion in cadherin-expressing cells and does not describe any linear peptide that is 6-50 amino acid residues in length and which comprises at least two HAV sequences, as claimed by Applicants. The presence of two HAV sequences in the protein of Tripp *et al.* within a 48 amino acid fragment is not novelty destroying for the subject matter of Applicants' claims because the protein of Tripp *et al.* fails to satisfy the length requirements set forth in claim 192. Reconsideration of this rejection is requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants respectfully submit that all of the claims remaining in the application are now believed to be in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

/Jeffrey Hundley/

Jeffrey Hundley, Ph.D., Patent Agent
Registration No. 42,676

JEH:ms

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

937499_1.DOC